

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

L.C., a minor by and through her
guardian *ad litem* Maria Cadena,
individually and as successor-in-interest
to Hector Puga; I.H., a minor by and
through his guardian *ad litem* Jasmine
Hernandez, individually and as
successor-in-interest to Hector Puga;
A.L., a minor by and through her
guardian *ad litem* Lydia Lopez,
individually and as successor-in-interest
to Hector Puga; and ANTONIA
SALAS UBALDO, individually,

Plaintiffs,

vs.

STATE OF CALIFORNIA; COUNTY
OF SAN BERNARDINO; S.S.C., a
nominal defendant; ISIAH KEE;
MICHAEL BLACKWOOD;
BERNARDO RUBALCAVA;
ROBERT VACCARI; JAKE ADAMS;
and DOES 6-10, inclusive,

Defendants.

CASE NO. 5:22-cv-00949-KK-(SHKx)

Assigned for All Purposes to:
Hon. Kenly K. Kato – Courtroom 3

**[PROPOSED] ORDER DISMISSING
PLAINTIFFS' FIRST AND THIRD
CLAIMS FOR 42 U.S.C. § 1983
DETENTION AND ARREST AND
DENIAL OF MEDICAL CARE
CLAIMS AGAINST COUNTY
DEPUTIES AND STATE OFFICERS
AND SUBSTANTIVE DUE
PROCESS AGAINST VACCARI**

Trial Date: June 2, 2025

Complaint filed: 06/07/2022
FAC filed: 10/18/22
SAC filed: 01/13/23
TAC filed: 05/12/23

1 This cause coming to be heard on the stipulation of the parties, pursuant to Fed.
2 R. Civ. P. 41(a)(1)(A)(ii), for voluntary dismissal, with prejudice, of certain claims in
3 Plaintiffs' Third Amended Complaint (Dkt. 68), the parties being in agreement and
4 the Court being advised of the premises of this Order, the Court hereby dismisses:

5 1. Plaintiffs' First Claim for Fourth Amendment – Detention and Arrest (42
6 U.S.C. § 1983) is dismissed against Isaiah Kee, Michael Blackwood, Bernardo
7 Rubalcava, Robert Vaccari, and Jake Adams with prejudice.

8 2. Plaintiffs' Third Claim for Fourth Amendment – Denial of Medical Care (42
9 U.S.C. § 1983) is dismissed against Isaiah Kee, Michael Blackwood, Bernardo
10 Rubalcava, Robert Vaccari, and Jake Adams.

11 3. Plaintiffs' Fourth Claim for Fourteenth Amendment – Substantive Due Process
12 (42 U.S.C. § 1983) is dismissed against Sergeant Robert Vaccari.

13 4. The allegations related to medical care of Decedent, specifically ¶ 48 and ¶
14 107(d) are struck entirely, and the allegation medical care was denied in ¶¶ 117, 118,
15 and 119 are struck.

16 5. Each party shall bear their own costs and fees as to these claims.

17 The above-mentioned claims are hereby dismissed with prejudice.

18 **IT IS SO ORDERED.**

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21 DATED: _____

Honorable Kenly K. Kato
UNITED STATES DISTRICT JUDGE